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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,895	04/12/2001	Hijin Sato	206006US-2	1666
22850	7590	01/26/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			DEAN, RAYMOND S	
			ART UNIT	PAPER NUMBER
			2684	

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/832,895	SATO ET AL.	
	Examiner	Art Unit	
	Raymond S Dean	2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 24 September 2004.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1 - 9, 11 - 13, and 15 - 19 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1 - 9, 11 - 13, and 15 - 19 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 12 April 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 0603.0104.

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed September 24, 2004 have been fully considered but they are not persuasive.

Regarding Claim 1, Examiner respectfully disagrees with applicants' assertion on Page 8 lines 20 – 24 of the Remarks and Arguments "Comparing amended Claim 1 to Marturano amended Claim 1 requires that the....". The transmitting data unit, which is the information delivery apparatus, receives NACKs from the receiving data units. The said NACKs are transmitted by those receiving data units that are permitted to receive retransmissions thus said NACKs will be an indication to said transmitting data unit that at least one of said receiving data units is predetermined as being a retransmission permitted data unit thus further enabling said transmitting data unit to determine said retransmission permission (See Column 3 lines 20 – 26).

Regarding Claims 2 – 3 and 6 – 18, Examiner respectfully disagrees with the applicants' assertion on Page 9 lines 6 – 8 of the Remarks and Arguments "Although of differing scope and/or statutory class....", for at least the same reasons as set forth above.

Regarding Claims 5 and 19, Examiner respectfully disagrees with the applicants' assertion on Page 9 lines 12 – 15 of the Remarks and Arguments "However, Kumar does not cure the deficiencies with regard to....". Kumar teaches a step of grouping terminals on the basis of unique information assigned to the terminals; and the step

determines at least one terminal on the basis of grouping terminals (Figure 4, Figure 5, Figure 9, Figure 10, Column 6 lines 52 – 67, Column 7 lines 1 – 17, Column 7 lines 44 – 67, Column 8 lines 1 – 16, Column 10 lines 27 – 67, Column 11 lines 1 – 15).

Marturano and Kumar (Column 4 lines 22 – 28, satellite has wireless RF links) both teach a wireless multicast system thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the grouping method taught in Kumar in the multicast system taught in Marturano as an alternative means for eliminating the acknowledgement implosion problem associated with multicast transport protocols by making only one receiver responsible for generating acknowledgements and also requesting retransmissions as taught by Kumar. Kumar also teaches correcting the multicast information by part of the multicast information sent by the information delivery apparatus transmitted in response to a request for retransmission by another terminal when the first unit determines that its own terminal is placed out of retransmission control (Figure 4, Column 6 lines 52 – 67, Column 7 lines 1 – 10, the non active receivers in the group will receive the newly retransmitted packets thus allowing said non active receivers to correct the corrupted packets). Marturano and Kumar (Column 4 lines 22 – 28, satellite has wireless RF links) both teach a wireless multicast system thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the method taught above in Kumar in the multicast system of Marturano as an alternative means for eliminating the acknowledgement implosion problem associated with multicast transport protocols by making only one receiver

responsible for generating acknowledgements and also requesting retransmissions as taught by Kumar.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 - 4 and 6 - 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Marturano et al. (5,636,230).

Regarding Claim 1, Marturano teaches a retransmission control method in a multicast service providing system in which an information delivery apparatus delivers multicast information to radio terminals within a service area of the information delivery apparatus via a radio section (Figure 1, Column 2 lines 43 – 52), some of the radio terminals being configured to send a request for retransmission of the multicast information in case of an error and others of the radio terminals being configured to not send the request for retransmission (Column 3 lines 20 – 38), said method comprising: determining whether respective of the radio terminals within the service area is designated as a retransmission-permitted terminal permitted for retransmission of the multicast information (Column 4 lines 16 – 62), and determining by the information delivery apparatus that at least one of the radio terminals receiving the multicast

information is predetermined as being the retransmission-permitted terminal permitted for retransmission of the multicast information (Column 3 lines 20 – 26, the transmitting data unit, which is the information delivery apparatus, receives NACKs from the receiving data units, the said NACKs are transmitted by those receiving data units that are permitted to receive retransmissions thus said NACKs will be an indication to said transmitting data unit that at least one of said receiving data units is predetermined as being a retransmission permitted data unit thus further enabling said transmitting data unit to determine said retransmission permission); notifying a retransmission designation status to the retransmission-permitted terminal, and delivering, when a request for retransmission of the multicast information sent by one of the radio terminals is received, the multicast information to said one of the radio terminals (Column 4 lines 16 – 49, the counter limit sent during the preamble is the notification); and changing one of the radio terminals designated as being the retransmission-permitted terminal, to a retransmission-inhibited terminal which is not permitted for retransmission of the multicast information, based on a status of retransmission requests received from the radio terminals (Column 3 lines 20 – 38).

Regarding Claim 2, Marturano teaches all of the claimed limitations recited in Claim 1. Marturano further teaches the step comprising a step of determining, at the information delivery apparatus, said at least one radio terminal (Column 4 lines 16 – 62); and the retransmission control method further comprises a step of notifying said at least one radio terminal that a request for retransmission is permitted (Column 4 lines 16 – 49, the notification is the counter limit that is sent during the preamble).

Regarding Claim 3, Marturano teaches all of the claimed limitations recited in Claim 1. Marturano further teaches a step that comprises a step of determining, at each radio terminal, whether its own terminal is placed in retransmission control (Column 4 lines 16 – 49, since the receiving data units receive the counter limit during the preamble said receiving data units know if they will be placed in retransmission control).

Regarding Claim 4, Marturano teaches all of the claimed limitations recited in Claim 1. Marturano further teaches the step of determining a plurality of radio terminals to be placed in retransmission control (Column 4 lines 16 – 62).

Regarding Claim 6, Marturano teaches all of the claimed limitations recited in Claim 1. Marturano further teaches a step that determines at least one radio terminal on the basis of a quality of communications between the information delivery apparatus and each of the radio terminals (Column 4 lines 63 – 67, Column 5 lines 1 – 12).

Regarding Claim 7, Marturano teaches all of the claimed limitations recited in Claim 1. Marturano further teaches a step that determines at least one radio terminal on the basis of distances between the information delivery apparatus and the radio terminals (Column 4 lines 63 – 67, Column 5 lines 1 – 12, the RSSI and the SNR can improve or degrade as the distance changes thus this is an inherent characteristic).

Regarding Claim 8, Marturano teaches all of the claimed limitations recited in Claim 1. Marturano further teaches a step that determines at least one radio terminal on the basis of directions of the radio terminals from the information delivery apparatus (Column 4 lines 50 – 62).

Regarding Claim 9, Marturano teaches all of the claimed limitations recited in Claim 1. Marturano further teaches a step that determines at least one radio terminal on the basis of moving speeds of the radio terminals (Column 4 lines 50 – 62).

Regarding Claim 11, Marturano teaches all of the claimed limitations recited in Claim 1. Marturano further teaches a step of changing said at least one radio terminal to another radio terminal when said at least one radio terminal terminates reception of the multicast information (Figure 1, Column 2 lines 43 – 52, Column 3 lines 20 – 38, there will be a plurality of receiving data units that have NACK capability thus when one receiving data unit terminates reception there will be other receiving data units with NACK capability that will still be receiving data).

Regarding Claim 12, Marturano teaches an information delivery apparatus for use in a multicast service providing system in which the information delivery apparatus delivers multicast information to radio terminals within a service area of the information delivery apparatus via a radio section (Figure 1, Column 2 lines 43 – 52, the transmitting data unit is the information delivery apparatus), some of the radio terminals being configured to send a request for retransmission of the multicast information in case of an error and others of the radio terminals being configured to not send the request for retransmission (Column 3 lines 20 – 38), said information delivery apparatus comprising: a first unit configured to determine whether respective of the radio terminals within the service area is designated as a retransmission-permitted terminal permitted for retransmission of the multicast information (Column 4 lines 16 – 62, since the transmitting data unit conducts this function said transmitting data unit comprises an

inherent first unit), at least one of the radio terminals receiving the multicast information is configured to be the retransmission-permitted terminal permitted for retransmission of the multicast information (Column 3 lines 20 – 26); a second unit configured to notify a retransmission designation status to the retransmission-permitted terminal, and delivering, when a request for retransmission of the multicast information sent by one of the radio terminals is received, the multicast information to said one of the radio terminals (Column 4 lines 16 – 49, the counter limit sent during the preamble is the notification, since the transmitting data unit conducts this function said transmitting data unit comprises an inherent second unit); and a third unit configured to change one of the radio terminals designated as being the retransmission-permitted terminal, to a retransmission-inhibited terminal which is not permitted for retransmission of the multicast information, based on a status of retransmission requests received from the radio terminals (Column 3 lines 20 – 38, since the transmitting data unit conducts this function said transmitting data unit comprises an inherent third unit).

Regarding Claim 13, Marturano teaches all of the claimed limitations recited in Claim 12. Marturano further teaches wherein the first unit determines a plurality of radio terminals to be placed in retransmission control (Column 4 lines 16 – 62).

Regarding Claim 15, Marturano teaches all of the claimed limitations recited in Claim 13. Marturano further teaches a fourth unit managing status of retransmission requests sent by radio terminals placed in the retransmission control, the third unit changing said at least one radio terminal on the basis of the status of retransmission requests managed by the fourth unit (Column 3 lines 20 – 38, the repeated NACKs are

a status of the retransmission requests thus there is an inherent fourth unit that manages said NACKs).

Regarding Claim 16, Marturano teaches a radio terminal receiving multicast information from an information delivery apparatus via a radio section (Figure 1, Column 2 lines 43 – 52), said radio terminal comprising: a first unit configured to determine whether the radio terminal is notified from the information delivery apparatus as being a retransmission-permitted terminal which is permitted for retransmission of the multicast information (Column 4 lines 16 – 40, the count limit sent during the preamble to the receiving data unit is the notification thus there is an inherent first unit), and at least one of the radio terminals receiving the multicast information is identified by the information delivery apparatus as being the retransmission-permitted terminal permitted for retransmission of the multicast information (Column 3 lines 20 – 26, the transmitting data unit, which is the information delivery apparatus, receives NACKs from the receiving data units, the said NACKs are transmitted by those receiving data units that are permitted to receive retransmissions thus said NACKs will be an indication to said transmitting data unit that at least one of said receiving data units is predetermined as being a retransmission permitted data unit thus further enabling said transmitting data unit to determine said retransmission permission); and a second unit configured to send a request for retransmission of the multicast information to the information delivery apparatus in case of an error when it is determined that the radio terminal is notified as being the retransmission-permitted terminal (Column 4 lines 16 – 49, since the receiving

data unit conducts this function said receiving data unit comprises an inherent second unit).

Regarding Claim 17, Marturano teaches all of the claimed limitations recited in Claim 16. Marturano further teaches wherein the first unit determines whether its own terminal is placed in retransmission control on the basis of given information sent by the information delivery apparatus (Column 4 lines 16 – 40, the count limit sent during the preamble lets the receiving data unit know whether it will be placed in retransmission control).

Regarding Claim 18, Marturano teaches all of the claimed limitations recited in Claim 16. Marturano further teaches wherein the first unit determines whether its own terminal is placed in retransmission control on the basis of a quality of communications with the information delivery apparatus (Column 4 lines 63 – 67, Column 5 lines 1 – 12).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marturano et al. (5,636,230) in view of Kumar (US 6,269,080 B1).

Regarding Claim 5, Marturano teaches all of the claimed limitations recited in Claim 1. Marturano further teaches radio terminals in a service area (Figure 1, Column 2 lines 43 – 52).

Marturano does not teach the step comprising a step of grouping radio terminals on the basis of unique information assigned to the radio terminals; and the step determines at least one radio terminal on the basis of grouping radio terminals.

Kumar teaches a step of grouping terminals on the basis of unique information assigned to the terminals; and the step determines at least one terminal on the basis of grouping terminals (Figure 4, Figure 5, Figure 9, Figure 10, Column 6 lines 52 – 67, Column 7 lines 1 – 17, Column 7 lines 44 – 67, Column 8 lines 1 – 16, Column 10 lines 27 – 67, Column 11 lines 1 – 15).

Marturano and Kumar (Column 4 lines 22 – 28, satellite has wireless RF links) both teach a wireless multicast system thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the grouping method taught in Kumar in the multicast system taught in Marturano as an alternative means for eliminating the acknowledgement implosion problem associated with multicast transport protocols by making only one receiver responsible for generating acknowledgements and also requesting retransmissions.

Regarding Claim 19, Marturano teaches all of the claimed limitations recited in Claim 16. Marturano further teaches a third unit, which corrects the multicast information by part of the multicast information sent by the information delivery apparatus retransmitted in response to a request for retransmission by the second unit

when the first unit determines that its own terminal is placed in retransmission control (Column 4 lines 16 – 49).

Marturano does not teach correcting the multicast information by part of the multicast information sent by the information delivery apparatus transmitted in response to a request for retransmission by another radio terminal when the first unit determines that its own terminal is placed out of retransmission control.

Kumar teaches correcting the multicast information by part of the multicast information sent by the information delivery apparatus transmitted in response to a request for retransmission by another terminal when the first unit determines that its own terminal is placed out of retransmission control (Figure 4, Column 6 lines 52 – 67, Column 7 lines 1 – 10, the non active receivers in the group will receive the newly retransmitted packets thus allowing said non active receivers to correct the corrupted packets).

Marturano and Kumar (Column 4 lines 22 – 28, satellite has wireless RF links) both teach a wireless multicast system thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the method taught above in Kumar in the multicast system of Marturano as an alternative means for eliminating the acknowledgement implosion problem associated with multicast transport protocols by making only one receiver responsible for generating acknowledgements and also requesting retransmissions.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond S Dean whose telephone number is 703-305-8998. The examiner can normally be reached on 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay A Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Raymond S. Dean
January 12, 2005



NAY MAUNG
SUPERVISORY PATENT EXAMINER